

**THE COMMONWEALTH OF MASSACHUSETTS
ESSEX, SS.**

To Either of the Constables of the Town of Andover

Greeting:

In the name of the Commonwealth you are hereby required to notify and warn the Inhabitants of said Town who are qualified to vote in Town Affairs to meet and assemble at the J. Everett Collins Center for the Performing Arts, Andover High School, 100 Shawsheen Road, in said Andover, on

MONDAY, THE FIRST DAY OF MAY, 2023

At seven o'clock P.M. to act upon the following articles:

ARTICLE 1	ANNUAL TOWN ELECTION
------------------	-----------------------------

Annual Town Election: Moderator for one year, one Select Board member for three years, one School Committee member for three years, and two Punchard Free School Trustees for three years, or take any other action related thereto.

On request of the Town Clerk

ARTICLE 2	ELECTION NOT REQUIRED BY BALLOT
------------------	--

To elect all other officers not required by law to be elected by ballot, or take any other action related thereto.

On request of the Town Clerk

ARTICLE 3	SALARIES OF ELECTED OFFICIALS
------------------	--------------------------------------

To establish the salaries of the elected officers for the ensuing year, or take any other action related thereto.

On request of the Town Clerk

ARTICLE 4	FISCAL YEAR 2024 BUDGET
------------------	--------------------------------

To see if the Town will vote to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses of the Town,

including debt and interest, and to provide for a reserve fund for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024, or take any other action related thereto.

On request of the Town Manager

ARTICLE 5	FISCAL YEAR 2024 CAPITAL PROJECTS FUND
------------------	---

To see if the Town will vote to raise by taxation and appropriate the sum of money for the purpose of funding the Fiscal Year 2024 appropriation for the Capital Projects Fund, or take any other action related thereto.

On request of the Town Manager

ARTICLE 6	FINANCIAL HOUSEKEEPING ARTICLES (A THROUGH I)
------------------	--

- A. Budget Transfers** To see if the Town will vote to transfer from amounts previously appropriated at the May 2022 Annual Town Meeting as authorized by Massachusetts General Laws Chapter 44, Section 33B, or take any other action related thereto.

On request of the Chief Financial Officer

- B. Supplemental Budget Appropriations** To see if the Town will vote to transfer from available funds a sum of money to supplement appropriations voted at the May 2022 Annual Town Meeting, or take any other action related thereto.

On request of the Town Manager

- C. Stabilization Fund** To see if the Town will vote to appropriate and raise from taxation or available funds a sum of money to the Stabilization Fund in accordance with Massachusetts General Laws Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003 and Chapter 218 of the Acts of 2016, or take any other action related thereto.

On request of the Town Manager

- D. Free Cash** To see what amount the Town will vote to permit the Assessors to use in Free Cash to reduce the Fiscal Year 2024 tax rate and to affect appropriations voted at the 2023 Annual Town Meeting, or take any other action related thereto.

On request of the Chief Financial Officer

- E. **Unexpended Appropriations** To see what disposition shall be made of unexpended appropriations and Free Cash in the treasury, or take any other action related thereto.

On request of the Chief Financial Officer

- F. **Unexpended Appropriations Capital Projects Fund** To see what disposition shall be made of unexpended appropriations in the Capital Projects Fund, or take any other action related thereto.

On request of the Chief Financial Officer

- G. **Fiscal Year 2024 Revolving Accounts** To see if the Town will vote to authorize the following expenditure limits for revolving funds for certain Town departments under Massachusetts General Laws, Chapter 44, Section 53E½ for the fiscal year beginning July 1, 2023, or take any other action related thereto:

Revolving Fund	FY2024 Limit
Community Development & Planning Department	\$20,000
Memorial Hall Library-Lost/Damaged Materials	\$20,000
Health Clinic	\$60,000
Division of Recreation	\$1,000,000
Division of Youth Services	\$400,000
Field Maintenance	\$150,000
Division of Elder Services	\$225,000
Police Communications	\$50,000
School Photocopy Fees	\$10,000
Compost Program	\$60,000
Solid Waste	\$40,000
Stormwater Management	\$5,000
Fire Rescue	\$100,000
Health Services	\$100,000
Professional Development Institute	\$50,000
Student Technology Rental	\$200,000

On request of the Chief Financial Officer

- H. **PEG Access and Cable Related Expenses** To see if the Town will vote to appropriate cable franchise fees and other cable-related revenues to support PEG access services,

cable related expenses, and oversight of the cable franchise agreements for fiscal year 2024, which begins on July 1, 2023, or take any other action related thereto.

On request of the Chief Financial Officer

- I. **Pension Obligation Bond Stabilization Fund Transfer** To see if the Town will vote to appropriate and raise from taxation or transfer from available funds a sum of money to the Pension Stabilization Fund in accordance with MGL Chapter 40, Section 5B, as amended by Chapter 46, Sections 14 and 50 of the Acts of 2003, or take any action related thereto.

On request of the Chief Financial Officer

ARTICLE 7	HOME RULE PETITION FOR EXCESS LEVY CAPACITY
------------------	--

To see if the Town will vote to petition the General Court to the end that legislation be adopted that would permit the Town to use the excess levy capacity resulting from the town's pension obligation bond issuance solely for the purposes of paying pension obligation bond debt service, funding post-employment benefits liabilities, and funding capital projects. This provision shall remain in effect until 2040. Such legislation shall be in precisely the form as may be approved by the Town Meeting; provided, however, that the General Court may make clerical or editorial changes to form only to the legislation as approved by the Town Meeting, unless the Select Board shall have approved any amendments to petitioned legislation that are within the scope of the general public objectives of this petition, before enactment by the General Court; or to take any other action relative thereto.

On request of the Town Manager

ARTICLE 8	MINOR FINANCIAL ARTICLES (A THROUGH D)
------------------	---

- A. **Overlay Surplus Transfer** To see if the Town will vote to transfer \$50,000 from Overlay Surplus to fund expenses related to the FY2024 valuation of real and personal property and to fund the FY2025 property tax revaluation, or take any other action related thereto.

On request of the Chief Financial Officer

- B. **Elderly/Disabled Transportation Program** To see if the Town will vote to appropriate and raise by taxation a sum not to exceed \$12,000 for the purpose of continuing to provide for an elderly and disabled transportation subsidy program, or take any other action related thereto.

On request of the Council on Aging

- C. **Support for Andover Day and Other Civic Events** To see if the Town will vote to appropriate and raise by taxation or transfer from available funds a sum not to exceed

\$15,000 for the purpose of paying a portion of the municipal costs associated with Andover Day and other civic events, or take any other action related thereto.

On request of the Town Manager

- D. Spring Grove Cemetery Maintenance** To see if the Town will vote to transfer the sum of \$6,000 from the Spring Grove Cemetery Perpetual Care reserve account and appropriate the sum of \$6,000 for the purpose of cemetery maintenance including costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

ARTICLE 9	GENERAL HOUSEKEEPING ARTICLES (A THROUGH G)
------------------	--

To see if the Town will vote the following consent articles, or take any other action related thereto:

- A. Grant Program Authorization** To see if the Town will vote to authorize the Select Board and/or the Town Manager to apply for, accept and enter into contracts from time to time for the expenditure of any funds allotted to Andover by the Commonwealth of Massachusetts or the U. S. Government under any State or Federal grant program, or take any other action related thereto.

On request of the Town Manager

- B. Road Contracts** To see if the Town will vote to authorize the Town Manager to enter into a contract with the Massachusetts Highway Department Commissioners or the Federal Government for the construction and maintenance of public highways in the Town of Andover for the ensuing year, or take any other action related thereto.

On request of the Town Manager

- C. Town Report** To act upon the report of the Town officers, or take any other action related thereto.

On request of the Town Manager

- D. Property Tax Exemptions** To see if the Town will vote to accept the provisions of Section 4, Chapter 73 of the Acts of 1986 as amended by Chapter 126 of the Acts of 1988 to allow an additional property tax exemption for fiscal year 2024 for those persons who qualify for property tax exemptions under Massachusetts General Laws Chapter 59, Section 5, or take any other action related thereto.

On request of the Board of Assessors

- E. Contracts in Excess of Three Years** To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b) to authorize the Town Manager or the Superintendent of Schools to solicit and award contracts for terms

exceeding three years but no greater than five years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interests of the Town by a vote of the Select Board or the School Committee, as appropriate, or take any other action related thereto.

On request of the Town Manager

- F. Accepting Easements** To see if the Town will vote to authorize the Select Board and the School Committee to accept grants of easements for streets, water, drainage, sewer, public access and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

- G. Rescinding of Bond Authorizations** To see if the Town will vote to rescind unissued bond authorizations from prior Town Meetings, or take any other action related thereto.

On request of the Chief Financial Officer

ARTICLE 10	WATER TREATMENT PLANT MAINTENANCE
-------------------	--

To see if the Town will vote to appropriate the sum of \$300,000 in the Water Enterprise Fund for the purpose of paying various maintenance costs related to the water distribution system and the Water Treatment Plant, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

ARTICLE 11	SEWER COLLECTION SYSTEM MAINTENANCE
-------------------	--

To see if the Town will vote to appropriate the sum of \$300,000 in the Sewer Enterprise Fund for the purpose of paying various maintenance costs related to the 12 sewer stations located in Andover that collect and pump wastewater to Greater Lawrence Sanitary District, including any other costs incidental and related thereto, or take any other action related thereto.

On request of the Director of Public Works

ARTICLE 12	TAX INCREMENT FINANCING AGREEMENT
-------------------	--

To see if the Town will vote to (i) approve a Tax Increment Financing Agreement (hereafter known as the TIF Agreement) with Flagship Pioneering for 3000 Minuteman Drive, shown on Andover Assessors Map 187 as Parcels 4 & 4A, and to authorize the Town Manager to execute a TIF Agreement consistent with the terms and conditions as outlined in the "Flagship Pioneering TIF Term Sheet", which is on file with the Andover Town Clerk. The full draft of the TIF Agreement, which will be consistent with the terms and conditions of the "Flagship Pioneering TIF Term

Sheet”, will be on file with the Andover Town Clerk 10 days prior to the Annual Town Meeting. The TIF Agreement provides for real estate tax exemptions at the exemption rate schedules set forth therein, and (ii) approve an Economic Development Incentive Program (“EDIP”) Local Incentive Only Application submission to the Massachusetts Economic Assistance Coordinating Council (the “EACC”), and (iii) authorize the Select Board to execute the TIF Agreement in substantially the same form as on file with the Andover Town Clerk and any documents related thereto, to take any such action as is necessary to obtain approval of the Local Incentive Only Application submission, and to implement the TIF Agreement. The TIF Agreement shall provide that the Town shall provide for an exemption of property taxes or a percentage thereof based on the incremental increase in property value in assessed valuation of the property for a period of not less than five years or more than twenty years in accordance with the requirements of the Massachusetts General Laws Chapter 40, Section 59; Chapter 23A, Section 3E and 3F; and the applicable regulations thereunder. In return for such tax benefits, in accordance with the TIF Agreement, Flagship Pioneering shall ensure at the above property the location and expansion of uses which increase job creation, provide higher property values, and retain or expand economic development in the Town and in the Commonwealth; or take any other action relates thereto.

On request of the Director of Planning and Land Use

ARTICLE 13	BYLAW AMENDMENT ELECTRONIC VOTING AT TOWN MEETING
-------------------	--

To see if the Town will vote to amend Article II of the General Bylaws by adding the following as Section 5.2:

“Electronic Voting. Subject to the availability of a system to enable electronic voting by using wireless handheld mobile devices, the Moderator may count the vote on any matter before the Town Meeting by the use of such system.”

And further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

On request of the Select Board

ARTICLE 14	RENTAL OF ELECTRONIC VOTING EQUIPMENT
-------------------	--

To see if the Town will raise by taxation or transfer from available funds or any combination thereof and appropriate \$40,000 to pay for the rental of an electronic voting system for the use at Annual and Special Town Meetings for fiscal year 2024, or take any other action related thereto.

On request of the Select Board

ARTICLE 15	UNPAID BILLS
-------------------	---------------------

To see if the Town will vote to transfer from available funds a sum of money to pay unpaid bills for which obligation was incurred in prior fiscal years, or take any other action related thereto.

On request of the Town Accountant

ARTICLE 16	CHAPTER 90 AUTHORIZATIONS
-------------------	----------------------------------

To see if the Town will vote to authorize the Town to acquire any necessary easements by gift, by purchase or by right of eminent domain for Chapter 90 Highway Construction or any other federal or state aid program for road or sidewalk improvements, or take any other action related thereto.

On request of the Town Manager

ARTICLE 17	GRANTING EASEMENTS
-------------------	---------------------------

To see if the Town will vote to authorize the Select Board and the School Committee to grant easements for water, drainage, sewer and utility purposes or any public purpose on terms and conditions the Board and the Committee deem in the best interests of the Town, or take any other action related thereto.

On request of the Town Manager

ARTICLE 18	STABILIZATION FUND BOND PREMIUM
-------------------	--

To see if the Town will vote to transfer the sum of \$100,000 from the Bond Premium Stabilization Fund to the General Fund to offset non-exempt debt interest payments, or take any other action related thereto.

On request of the Chief Financial Officer

ARTICLE 19	CAPITAL PROJECTS FROM GENERAL FUND BORROWING
-------------------	---

To see if the Town will vote to raise by taxation, borrowing, transfer from available funds or by any combination thereof and appropriate the sum of \$4,850,000 to pay costs of purchasing capital equipment, making infrastructure improvements, or for purchasing services and materials related to capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount	Statutory Citation
DPW-7b	Public Works Vehicles – Large	\$455,000	C 44 Sec 7(1)
FAC-5	Town Parks and Playground Improvements	\$625,000	C 44 Sec 7(1)
FAC-6	Major Town Projects	\$900,000	C 44 Sec 7(1)
FAC-7	Town / School Energy Initiatives	\$470,000	C 44 Sec 7(1)
FR-1	Fire Rescue Vehicles	\$975,000	C 44 Sec 7(1)
IT-3	IT Infrastructure	\$300,000	C 44 Sec 7(1)
SCH-5	Major School Projects	\$1,125,000	C 44 Sec 7(1)

On request of the Director of Public Works, Director of Facilities, Fire Chief, and Chief Information Officer

ARTICLE 20	CAPITAL PROJECTS FROM FREE CASH
-------------------	--

To see if the Town will vote to transfer from available funds and appropriate the sum of \$1,919,128 to pay costs of purchasing capital equipment, infrastructure, or for purchasing services and materials related to capital improvements, as more particularly described below, including any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount
IT-1	Annual Staff Device Refresh	\$456,238
IT-2	Annual Student Device Refresh	\$257,890
POL-1	Police Vehicle Replacement	\$205,000
DPW-2	Minor Sidewalk Repairs	\$250,000
DPW-4	Town Sidewalk Program	\$750,000

On request of the Chief Information Officer, Chief of Police and Director of Public Works

ARTICLE 21	CAPITAL PROJECTS FROM WATER AND SEWER ENTERPRISE FUNDS
-------------------	---

To see if the Town will vote to raise by taxation, borrowing, transfer from available funds or by any combination thereof and appropriate the sum of \$13,360,000 to pay costs of purchasing capital equipment, making infrastructure improvements, and purchasing services and materials related to making capital improvements, as more particularly described below, including the payment of any other costs incidental and related thereto, or take any other action related thereto.

CIP #	Project	Amount	Statutory Citation
DPW-14	Water Main Replacement / Distribution Improvements Project (Water Enterprise Borrowing)	\$6,000,000	Ch 44 Sec 8 (5)
DPW-16	Water Treatment Plant SCADA System Upgrades (Water Enterprise Borrowing)	\$2,500,000	Ch 44 Sect 8 (4)

DPW-18	Water Treatment GAC Replacement (Water Enterprise Borrowing)	\$560,000	Ch 44 Sec 8 (7A)
DPW-25	Shawsheen River Sewer Interceptor Improvements (Sewer Enterprise Borrowing)	\$2,200,000	Ch 44 Sec 8 (14)
DPW-30	Inflow/Infiltration (I/I) Removal Program (Sewer Enterprise Reserves)	\$300,000	N/A
DPW-34	Lead Service Replacements (Water Enterprise Borrowing)	\$1,800,000	Ch 44 Sec 8 (5)

On request of the Director of Public Works

ARTICLE 22	ADOPTION OF AN ENTERPRISE FUND FOR THE CHANDLER ROAD RECREATION AREA
-------------------	---

To see if the town will accept the provisions of Chapter 44, section 53F ½ of the Massachusetts General Laws establishing the Chandler Road Recreation Area as an enterprise fund effective fiscal year 2024 or take any other action related thereto.

On request of the Chief Financial Officer

ARTICLE 23	JERRY SILVERMAN FIREWORKS
-------------------	----------------------------------

To see if the Town will vote to appropriate and raise by taxation or available funds the amount of \$14,000 for the Jerry Silverman Fireworks Program as part of the Fourth of July festivities, or take any other action related thereto.

On request of the Town Manager

ARTICLE 24	MEMORANDUM OF UNDERSTANDING (MOU) – FOSTER CARE TRANSPORTATION
-------------------	---

To see if the Town will vote to authorize the Superintendent of Andover Public Schools, with the approval of the Select Board or Town Manager to enter into Memorandum(s) of Understanding ("MOU") with the Department of Children and Families, the Executive Office of Health and Human Services and the Department of Elementary and Secondary Education or other federal government departments, agencies or reimbursement authorities, in order to identify and pursue and obtain Federal Title IV-E reimbursement(s) or other qualified funds for foster care transportation and to provide that payments for such foster care transportation under such MOU(s) may be made from such reimbursement(s) or other qualified funds as a result of foster care transportation being performed without appropriation of said reimbursement(s) or other qualified funds, pursuant to Massachusetts General Law Chapter 44, Section 70, or to take any other action relative thereon.

On request of the School Committee and the Superintendent of Schools

ARTICLE 25	LEDGE ROAD LANDFILL
-------------------	----------------------------

To see if the Town will vote to raise by taxation, borrowing or transfer from available funds or by any combination thereof, and appropriate a sum of money for the purposes of continuing the capping of the town landfill on Ledge Road including making any improvements to the area and any costs incidental and related thereto, or take any other action related thereto.

On request of the Town Manager and Director of Public Works

ARTICLE 26	TAKING BY EMINENT DOMAIN OF EASEMENTS RELATED TO LEDGE ROAD LANDFILL
-------------------	---

To see if the Town will vote to authorize the Select Board to take by eminent domain and to appropriate a sum of money by taxation, borrowing or available funds or any combination thereof for the taking by eminent domain of the following described temporary and permanent easements at 168 Greenwood Road, 170 Greenwood Road and 172 Greenwood Road:

PERRPETUAL EASEMENT

In addition to, and not in limitation of, the rights granted in the Order of Taking by the Inhabitants of the Town of Andover dated April 24, 1972 and recorded with North Essex District Registry of Deeds in Book 1191, Page 656, the perpetual right and easement to locate, relocate, erect, construct, reconstruct, install, lay, dig up, operate, maintain, patrol, inspect, repair, replace, alter, change the location of, extend or remove one or more pipes for the drainage of surface water and all necessary and proper conduits, conductors, pipes, foundations, fittings, and fixtures and other apparatus, equipment and fixtures deemed necessary for the purposes specified above, as the Town may from time to time desire along, upon, under and across the land of the property owner shown as the area marked "50' Wide Drainage Easement, George H. Belanger, Jr. and Ida M. Belanger, former Boston & Maine R.R. Layout, Map 148, Lot 13," on Plan of Land entitled: "Plan of Drainage Easement, George H. Belanger, Jr. and Ida M. Belanger to Inhabitants of the Town of Andover, Massachusetts, Scale 1" = 40', March, 1972, John Avery, Jr., Town Engineer," recorded with North Essex District Registry of Deeds as Plan No. 6590 ("Easement Area"), and also shown on Land Court Plan No. 35854B as "Inhabitants of the Town of Andover Drain Easement," and also shown as "Exist. 50' Wide Drainage Easement (Bk. 1191, Page 656 - Pl. 6590)" on Lot 1 on "Plan of Land, 170 Greenwood Road, Andover, MA, Assessors Map 148, Lot 18," recorded as Plan No. 17559. Copies of the above referenced plans are on file with the Office of the Town Clerk.

This Easement includes the perpetual right and easement at any time and from time to time and without any further payment therefor to cut and trim trees, brush, overhanging branches and other obstructions on said strip of land to the extent that the Town deems necessary to clear and keep clear and operate safely the said pipes; and the right to enter said Easement Area for access thereto for all the above purposes.

Such drainage pipe or pipes and each and every part thereof, whether fixed to the realty or not, shall be and remain the property of the Town.

TEMPORARY EASEMENT

The right and easement along, upon, above, under and across the Easement Area described above for the purpose of bringing and placing on said Easement Area all construction materials, personnel, tools, equipment, vehicles and appliances necessary to: remove and dispose of waste located within the temporary construction easement area; without limitation, construct landfill features on Town of Andover property proximate to the Easement Area including but not limited to the landfill cap anchor trench, detention basins, berms, swales, landfill gas collector trench, landfill gas monitoring wells, and plantings; access other land of the Town of Andover property from the landfill property adjacent to the Easement area, transport arsenic-impacted and other wetland soils across the Easement Area from land of the Town of Andover west of the Easement Area to the landfill for disposal, and the right and easement to cut and trim trees, brush, overhanging branches and other obstructions to the extent that the Town deems necessary, and the right to enter said Easement Area for access thereto for all the above purposes.

This temporary construction easement shall automatically terminate and be of no further force or effect at such time as the Massachusetts Department of Environmental Protection accepts the Certification of the Landfill Closure, and the accepted Certification is recorded at the Registry of Deeds, and to pay a sum of money as damages for said takings, or take any other action related thereto.

On request of the Town Manager and Director of Public Works

ARTICLE 27	TRANSPORTATION NETWORK COMPANY FUNDING
-------------------	---

To see if the Town will vote to appropriate Transportation Network Company fees to pay the costs of developing an Active Transportation Plan, or take any action related thereto.

On request of the Director of Planning and Land Use

ARTICLE 28	ANDOVER SUSTAINABILITY RESOLUTION
-------------------	--

Whereas:

- The United Nations Intergovernmental Panel on Climate Change (IPCC) forecast that unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting warming close to 1.5° or even 2°C will be beyond reach. Stabilizing the climate will require strong, rapid, unprecedented transitions in all aspects of society to achieve crucial emissions reductions. (<https://www.ipcc.ch/2021/08/09/ar-6-wg1-20210809-pr/>)
- The fastest warming region in the contiguous US is the Northeast (<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0168697>)
- In April of 2021, the Commonwealth of Massachusetts committed to a new statewide emissions limit of net-zero greenhouse gas emissions by 2050 in An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy (<https://www.mass.gov/news/governor-baker-signs-climate-legislation-to-reduce-greenhouse-gas-emissions-protect-environmental-justice-communities>) followed in June 2022 by the Clean Energy and Climate Plan for 2025 and 2030

(<https://www.mass.gov/info-details/massachusetts-clean-energy-and-climate-plan-for-2025-and-2030>). In August 2022 Massachusetts enacted An Act Driving Clean Energy and Offshore Wind to put in place provisions to reach the climate plan goals.

- There is now a state-wide momentum developing for deploying technical, economic, and political means to achieve this goal.
- The climate crisis is an existential challenge. It is also an opportunity to reimagine Andover's future and to make that future both safe and equitable for all who live and work in our community.

Therefore:

In order for Andover to respond to the climate crisis and to align with the Commonwealth's goal to reach net-zero emissions by 2050, be it resolved that Andover Town Meeting 2023 recognizes meeting this challenge is imperative and presents an unprecedented opportunity to remedy environmental harms, create clean-energy jobs, and improve human lives.

Furthermore, Andover Town Meeting 2023 requests that the Andover Select Board, School Committee, Staff, Boards and Committees:

- **Advocate** for action, programs, and support from the State and Federal governments to help reduce net town-wide carbon emissions in accord with the Commonwealth's Climate Action Plan;
- **Promote actions** that residents, organizations, and businesses can take to reduce their individual carbon emissions;
- **Prioritize the reduction of fossil fuels** (including electricity created through fossil fuels) in existing and new town facilities, vehicles and operations;
- **Accelerate adoption of nature-based solutions** (such as protecting/restoring open spaces and forests, planting trees and native plants, and encouraging organic property management) to absorb carbon, reduce flooding, cool neighborhoods/downtown spaces, and contribute to biodiversity restoration efforts;
- **Equitably align the costs** of such mobilization efforts so that they do not unfairly burden those who are economically or socially disadvantaged, and that the benefits of a realized, sustainable future accrue to all; and
- **Develop and implement a Climate Action Plan** that outlines specific strategies and sets measurable, attainable and realistic interim targets for reducing greenhouse gas emissions in Andover, and provide an annual progress report to Andover Town Meeting.

In conclusion:

Andover Town Meeting 2023 deems that funding and implementation of a climate action plan needs to be a top priority. Andover Town Meeting 2023 therefore requests the Select Board and School Committee to direct all officers and departments of the Town to act, within the scope of their respective responsibilities and authority, to prioritize the above-stated goals.

On petition of Mary Pritchard and others

ARTICLE 29	SHAWSHEEN SCHOOL
-------------------	-------------------------

To see if the Town will vote to petition the Legislature for a Special Act, notwithstanding Chapter 30B of the General Laws or any other general or special law to the contrary, authorizing the change of the use of the land at the Shawsheen School conveyed in a deed from the American Woolen Company to the Town for said school, which deed is dated February 16, 1925 and recorded at the Northern Essex district registry of deeds at Book 509, Page 278, to be changed from school purposes to general municipal purposes, which may include but shall not be limited to school and town administrative office purposes, under the care, custody and control of the Select Board, provided that the Legislature may vary the form and substance of the requested legislation within the scope of the general public objectives of this petition, or take any other action related thereto.

On request of the Town Manager

ARTICLE 30	AUTHORIZE ELECTRICITY SUPPLY/ON BILL CREDIT PURCHASE AGREEMENTS AT BANCROFT ELEMENTARY SCHOOL
-------------------	--

To see if the Town will vote to authorize the School Committee to enter into one or more electricity supply, on-bill credit or similar agreements with the owner(s) of solar voltaic facilities to be installed at the Bancroft Elementary School for such terms of years, and on such other terms and conditions, as the School Committee deems in the best interests of the Town, or take any other action related thereto.

On request of the Director of Facilities and Sustainability Coordinator

ARTICLE 31	AUTHORIZE LEASE OF LAND/ROOFTOP SPACE AT BANCROFT ELEMENTARY SCHOOL FOR SOLAR PHOTOVOLTAIC FACILITIES
-------------------	--

To see if the Town will vote to authorize the School Committee to (i) lease building rooftop space and any unused, open-land areas for installation of solar voltaic facilities and (ii) grant easements on, over and under the land and buildings located at 15 Bancroft Road shown on Assessors Map 59 as Lot 29A and known as the Bancroft Elementary School, with such leases and easements to be for such terms of years, not to exceed 20 years, and on such other terms and conditions, as the School Committee deems in the best interests of the Town, or take any other action related thereto.

On request of the Director of Facilities and Sustainability Coordinator

ARTICLE 32	AUTHORIZE ELECTRICITY SUPPLY/ON BILL CREDIT PURCHASE AGREEMENTS AT WEST ELEMENTARY SCHOOL / SHAWSHEEN PRE-SCHOOL
-------------------	---

To see if the Town will vote to authorize the School Committee to enter into one or more electricity supply, on-bill credit or similar agreements with the owner(s) of solar voltaic facilities to be installed at the West Elementary School/Shawsheen Pre-School for such terms of years, and on such other terms and conditions, as the School Committee deems in the best interests of the Town, or take any other action related thereto.

On request of the Director of Facilities and Sustainability Coordinator

ARTICLE 33	AUTHORIZE LEASE OF LAND/ROOFTOP SPACE AT WEST ELEMENTARY SCHOOL / SHAWSHEEN PRE-SCHOOL FOR SOLAR PHOTOVOLTAIC FACILITIES
-------------------	---

To see if the Town will vote to authorize the School Committee to (i) lease building rooftop space and any unused, open-land areas for installation of solar voltaic facilities and (ii) grant easements on, over and under the land and buildings located at 54, 54R, 58 and 60 Beacon Street shown on Assessors Map 88 as Lot 57A, Map 88 as Lot 57, Map 88 as Lot 58, and Map 107, Lot 16 and known as the West Elementary School/Shawsheen Pre-School, with such leases and easements to be for such terms of years, not to exceed 20 years, and on such other terms and conditions, as the School Committee deems in the best interests of the Town, or take any other action related thereto.

On request of the Director of Facilities and Sustainability Coordinator

ARTICLE 34	RANDOMIZATION OF ORDER OF WARRANT ARTICLES
-------------------	---

To see if the Town will determine the order or warrant articles for all Town Meetings randomly and acted on by a lottery system to ensure a fair representative of voters.

If any provision in this warrant shall be found or beheld to be invalid or unenforceable, then the meaning of said provision shall be construed, to the extent feasible, so as to render the provision enforceable, and if no feasible interpretation would save such provision, it shall be severed from the remainder of this warrant which shall remain in full force or effect.

Wording from Medfield, MA

<https://www.town.medfield.net/322/Town-Meeting-Information>

On petition of Steve Walther and others

ARTICLE 35	ZONING BYLAW RECODIFICATION
-------------------	------------------------------------

To see if the Town will vote to amend and recodify the Zoning Bylaw Article VIII by making the following changes:

1. Delete, in their entirety, the following provisions of the existing Zoning Bylaw last printed with the date September 2020 and amended through Annual Town Meeting of June 5, 2021:

Section 1.0 Purpose and Authority
Section 2.0 Districts
Section 3.0 Use Regulations
Section 4.0 Dimensional Requirements
Section 5.0 General Regulations
Section 6.0 Special Regulations
Section 7.0 Special Residential Regulations
Section 8.0 Special District Regulations
Section 9.0 Administration and Procedures
Section 10.0 Definitions

Appendix A

Table 1-Table of Use Regulations
Table 2-Table of Dimensional Requirements
Table 3-Table of Off-Street Parking Requirements
Table 4-Parking Dimensions

2. Substituting the following provisions and their subparts found in the Zoning Bylaw, Article VIII dated March 21, 2023, on file in the offices of the Town Clerk and Community Development & Planning:

Section 1.0 Purpose and Authority
Section 2.0 Districts
Section 3.0 Use Regulations
Section 4.0 Dimensional Requirements
Section 5.0 General Regulations
Section 6.0 Special Regulations
Section 7.0 Special Residential Regulations
Section 8.0 Special District Regulations
Section 9.0 Administration and Procedures
Section 10.0 Definitions

Appendix A

Table 1-Table of Use Regulations
Table 2-Table of Dimensional Requirements
Table 3-Table of Off-Street Parking Requirements
Table 4-Parking Dimensions

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws or do or take any other action related thereto.

On request of the Director of Planning and Land Use

ARTICLE 36	TOWN BYLAW AMENDMENT – STORMWATER MANAGEMENT AND EROSION CONTROL
-------------------	---

To see if the Town will vote to amend the Town Bylaws, Article XVI Stormwater Management and Erosion Control as follows:

By updating the Purpose and Objective section, the definitions section and to update the titling of Massachusetts Stormwater Management Policy to Massachusetts Stormwater Handbook where applicable throughout the sections of the bylaw.

STORMWATER MANAGEMENT AND EROSION CONTROL

§ 1. Purpose and Objective.

- A. The United States Environmental Protection Agency has identified sedimentation and polluted stormwater runoff from land disturbance, land development and redevelopment activities as major sources of water pollution.
- B. The purpose of this bylaw is to prevent or diminish the impacts of sedimentation and polluted stormwater from land disturbance, land development and redevelopment activities by controlling runoff and preventing soil erosion and sedimentation from site construction and development. The bylaw is necessary to protect the Town of Andover water bodies and groundwater resources, to safeguard the health, safety, and welfare of the general public and protect the natural resources of the Town.
- C. The objectives of this bylaw are to comply with state and federal statutes and regulations relating to stormwater discharges and to establish the Town of Andover's legal authority to ensure compliance with the provisions of this bylaw through inspections, monitoring and enforcement by:
 - (1) Protecting water resources;
 - (2) Controlling the volume and rate of stormwater;
 - (3) Requiring practices to manage and treat stormwater runoff generated from new development and redevelopment;
 - (4) Protecting groundwater and surface water from degradation or depletion;
 - (5) Promoting infiltration and the recharge of groundwater;
 - (6) Preventing pollutants from entering the Andover's municipal separate storm sewer system (MS4) and as well as private storm drain systems;
 - (7) Preventing flooding and erosion to abutting properties;
 - (8) Ensuring that soil erosion and sedimentation control measures and stormwater runoff management practices are incorporated into site planning and design process and are implemented and maintained;
 - (9) Ensuring adequate long-term operation and maintenance of

stormwater best management practices; and

- (10) Requiring practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at construction sites that may cause adverse impacts to water quality.

§ 2. Definitions.

ABUTTER — The owner(s) of land adjacent to the land disturbance site.

AGRICULTURE — The normal maintenance or improvement of land in agricultural or aquacultural use, as defined by the Massachusetts Wetlands Protection Act (MGL c. 131, § 40) and its implementing regulations (310 CMR 10.00).

ALTERATION OF DRAINAGE CHARACTERISTICS — Any activity on an area of land that changes the water quality or the force, quantity, direction, timing or location of runoff flowing from the area. Such changes include, but are not limited to, change from distributed runoff to confined, concentrated discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT — Shall be the owner of record of all of the land shown on any plan submitted for approval to the Planning Board in accordance with the Stormwater Management Bylaw and Regulations.

AUTHORIZED ENFORCEMENT AGENCY — The Town of Andover Planning Board, its employees or agents designated to enforce this bylaw.

BEST MANAGEMENT PRACTICE (BMP) — Any activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFICATE OF COMPLETION — A document issued by the Planning Board which confirms that all documents and final reports have been submitted and all work required by the terms of a stormwater management permit has been satisfactorily completed in accordance with this bylaw and its regulations.

CLEARING — Any activity that removes the vegetative surface cover and/ or organic layer. Clearing activities generally include grubbing activity as defined below.

CONSTRUCTION AND WASTE MATERIALS — Excess or discarded building or construction site materials that may adversely impact water quality, including but not limited to concrete truck washout, chemicals, litter and sanitary waste.

DEP STORMWATER MANAGEMENT STANDARDS: The set of stormwater regulations promulgated by the Massachusetts Department of Environmental Protection under the following:

- The Wetland Protection Regulations (310 CMR 10.00) adopted pursuant to the Massachusetts Wetlands Protection Act G.L. c. 131, § 40; and
- The 401 Water Quality Certification for Discharge of Dredged or Fill Material, Dredging, and Dredged Material Disposal in Waters of the United States within the Commonwealth, adopted pursuant to the Massachusetts Clean Waters Act G.L. c. 21, §§ 26-53.

DESIGNATED AGENT — Any person or entity designated by the Planning Board and approved by the Town Manager to assist in the administration, implementation and enforcement of the Stormwater Management and Erosion Control bylaw and Regulations.

DESIGN CRITERIA — Engineering design criteria as contained in the Stormwater Regulations authorized under this bylaw.

DETENTION — The temporary storage of storm runoff.

DEVELOPMENT — The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISTURBANCE OF LAND — Any action, including clearing and grubbing, that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

ENVIRONMENTAL SITE MONITOR — A professional engineer or other trained professional selected by the Planning Board or its designee and retained by the Planning Board at the permit holder's expense to periodically inspect the work and report to the Planning Board.

EROSION — The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

ESTIMATED HABITAT OF RARE WILDLIFE AND CERTIFIED VERNAL POOLS — Habitats delineated for state-protected rare wildlife and certified vernal pools for use with the Wetlands Protection Act regulations (310 CMR 10.00) and the Forest Cutting Practices Act regulations (304 CMR 11.00).

GRADING — Changing the level or shape of the ground surface.

GRUBBING — The act of clearing land surface by digging up roots and stumps.

IMPERVIOUS SURFACE — Any material or structure on or above the ground that limits water infiltrating the underlying soil. "Impervious surface"

includes, without limitation, roads, paved parking lots, sidewalks, sports courts and rooftops. "Impervious surface" also includes soils, gravel driveways, and similar surfaces with a runoff coefficient (Rational Method) greater than 0.70 or a runoff Curve Number (SCS Method) greater than 85.

LAND-DISTURBING ACTIVITY OR LAND DISTURBANCE — Any activity that alters the existing vegetation and/or underlying soil of a site, including such as clearing, grading, site preparation (e.g., excavating, cutting and filling), soil compaction, movement, stockpiling of top soils, and grubbing, or other action that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

LOW IMPACT DEVELOPMENT (LID): - The design of a site development or redevelopment employing systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or beneficial use of stormwater, to protect water quality and associated aquatic habitat. LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Practices include but are not limited to minimizing impervious surfaces, capturing rainfall or runoff for subsequent use on-site, promoting infiltration and evapotranspiration, and the use of vegetation-based stormwater treatment practices.

MASSACHUSETTS ENDANGERED SPECIES ACT — MGL c. 131A and its implementing regulations at (321 CMR 10.00) which prohibit the "taking" of any rare plant or animal species listed as "endangered," "threatened," or of "special concern."

MASSACHUSETTS STORMWATER HANDBOOK POLICY — The policy handbook issued by the Department of Environmental Protection, as amended, that describes how to apply DEP's Stormwater Management Standards as promulgated under coordinates the requirements prescribed by state regulations promulgated under the authority of the Massachusetts Wetlands Protection Act, MGL c. 131, § 40, and the Massachusetts Clean Waters Act, MGL c. 21, §§ 23-56.

MASSACHUSETTS WETLANDS PROTECTION ACT — MGL c. 131, § 40, and its implementing regulations (310 CMR 10.00).

MUNICIPAL STORM DRAIN SYSTEM OR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Andover.

NEW DEVELOPMENT:- Any construction or disturbance of land that is currently in a natural vegetated state. New development also includes any disturbance beyond existing impervious and disturbed areas that is contiguous to redevelopment projects.

OPERATION AND MAINTENANCE PLAN — A plan developed by a Massachusetts licensed professional engineer (PE) describing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OUTFALL — The point at which stormwater flows out from a discernible, confined point source or concentrated conveyance into waters of the commonwealth.

OUTSTANDING RESOURCE WATERS (ORWS) — Waters designated by Massachusetts Department of Environmental Protection as ORWs. These waters have exceptional sociologic, recreational, ecological and/or aesthetic values and are subject to more stringent requirements under both the Massachusetts Water Quality Standards (314 CMR 4.00) and the Massachusetts Stormwater Management Standards. ORWs include vernal pools certified by the Natural Heritage Program of the Massachusetts Department of Fisheries and Wildlife and Environmental Law Enforcement, all Class A designated public water supplies with their bordering vegetated wetlands, and other waters specifically designated.

OWNER — Shall be the owner of record of all the land shown on any plan submitted. The owner shall submit the title reference or references from the Essex County Registry of Deeds indicating the owner of record.

PAVEMENT — The surface of an area which consists of bituminous concrete, cement concrete, or paving bricks made of masonry or stone.

PAVING, OVERLAY — The placement of pavement on top of an existing impervious surface. The underlying impervious surface is sometimes milled (partially ground down in thickness) before the overlay is placed.

PAVING, RECLAMATION — A procedure whereby existing pavement is broken and pounded into small fragments.

PERMITTEE — The person who holds a stormwater management permit and therefore bears the responsibilities and enjoys the privileges conferred thereby.

PERSON — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

RECHARGE — Addition of stormwater runoff to the groundwater by natural or artificial means.

REDEVELOPMENT — ~~Development, rehabilitation, expansion, demolition or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.~~ Any construction, land alteration, or improvement of impervious surfaces that does not meet the definition of new development. The following activities are considered redevelopment:

- (a) Maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving; and
- (a)(b) Development, rehabilitation, expansion, and phased projects on previously developed sites provided the redevelopment results in no net increase in impervious area.

RESPONSIBLE PARTIES — Owner(s), persons with financial responsibility, and persons with operational responsibility.

RETENTION — The holding of stormwater runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

RUNOFF — Rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert.

SEDIMENT — Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION — The process or act of deposition of sediment.

SITE — Any lot or parcel of land or area of property where land-disturbing activities are, were, or will be performed.

SLOPE — The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

SOIL — Earth materials, including duff, humic materials, sand, rock, silt, clay and gravel.

STABILIZATION — The use, singly or in combination, of mechanical, structural, or vegetative methods to prevent or retard erosion.

STORMWATER — Stormwater runoff, snowmelt runoff, surface water runoff and drainage.

STORMWATER CONTROL MEASURE (SCM) – A technique, measure, or structural control that is designed to remove pollutants, control quantity, and improve the quality of stormwater runoff before the water discharges to the MS4 or Wetland Resource Area.

STORMWATER MANAGEMENT PERMIT — A permit issued by the Planning Board pursuant to this bylaw.

STORMWATER MANAGEMENT PLAN AND NARRATIVE — A document

containing narrative, drawings and details prepared by a Massachusetts licensed qualified professional engineer (PE) which includes structural and nonstructural best management practices to manage and treat stormwater runoff generated from regulated development activity. A stormwater management plan also includes an operation and maintenance plan describing the maintenance requirements for structural best management practices.

STRIP — Any activity which removes the vegetative ground surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

TSS — Total suspended solids; material, including but not limited to trash, debris, soils, sediment and sand, suspended in stormwater runoff.

VERNAL POOLS — Temporary bodies of fresh water which provide critical habitats for a number of vertebrate and invertebrate wildlife species.

WATERCOURSE — A natural or man-made channel through which water flows including a river, brook, or stream.

WETLAND RESOURCE AREA — Areas specified in the Massachusetts Wetlands Protection Act MGL c. 131, § 40 and regulations promulgated thereunder and in the Town of Andover Wetland Protection Bylaw and Regulations.¹

WETLANDS — Wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provides a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent communities in inland waters; that portion of any bank which touches any inland water.

§ 3. Authority.

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

§ 4. Applicability.

A. No person may undertake a construction activity that results in a land disturbance of 43,560 square feet or more without a stormwater management permit from the Planning Board.

- (1) Land disturbances. Land disturbances of 43,560 square feet or more, including multiple separate activities which in aggregate disturb 43,560 square feet or more, whether on one parcel or adjacent parcels held in

¹ Editor's Note: See Art. XIV, Wetlands Protection By-Law.

common ownership, shall require a stormwater management permit.

- (2) Paving and impervious material. An increase of new pavement or other impervious material, reclamation of existing pavement, or a combination of both totaling 43,560 square feet or more shall require a stormwater management permit.

- (3) The Town of Andover is not exempt from the provisions of this bylaw.

B. Exempt activities. The following activities are exempt from the requirements of this bylaw:

- (1) Normal maintenance and improvement of Town-owned publicways, appurtenances to the publicways, and private and public utilities.
- (2) Normal maintenance and improvement of land in agricultural use.
- (3) Repair of septic systems when required by the Board of Health or the Massachusetts Department of Environmental Protection for the protection of public health.
- (4) Normal maintenance of currently existing landscaping, gardens or lawn areas associated with an existing use.
- (5) Overlaying of existing impervious surface.
- (6) Areas of land that have had a stormwater management review and approval either through the Conservation Commission or Planning Board using design criteria that at a minimum comply with the latest edition of the Massachusetts Stormwater Management Handbook² or with design criteria as described in Town of Andover's Subdivision Rules and Regulations² or with the Town of Andover Stormwater Management and Erosion Control Regulations, whichever is more stringent in the protection of the Town's resources.

§ 5. Administration.

- A. The Planning Board, as the permit granting authority, shall administer, implement, and enforce this bylaw. Any powers granted to or duties imposed upon the Planning Board in this bylaw may be delegated to designated agents upon a majority vote of the Planning Board. Should the Planning Board designate an agent, such agent shall be approved by the Town Manager.
- B. The Planning Board may adopt and periodically amend rules and regulations to effectuate the purposes of this bylaw. Failure by the Board to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

- (1) Adoption of and revisions to regulations may only be made after

² Editor's Note: See Art. XIII, Subdivision Rules and Regulations.

conducting a public hearing to receive comments on any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation, at least 14 days before the hearing date.

- C. The Planning Board shall refer to the criteria and information, including specifications and standards, of the latest edition of the Massachusetts Stormwater Management Policy Handbook or to the design criteria as described in the Town of Andover's Subdivision Rules and Regulations³ or to the Town of Andover Stormwater Management and Erosion Control Regulations, whichever is more stringent in the protection of the Town's environmental and infrastructure resources, for execution of the provisions of this bylaw.
- D. The Planning Board may waive strict compliance with any requirement of this bylaw or the regulations promulgated hereunder, where:
 - (1) Such action is allowed by federal, state or local statutes and/or regulations; and
 - (2) Is in the public interest; and
 - (3) Is not inconsistent with the purpose and intent of this bylaw and its regulations.

§ 6. Permits and procedures.

Projects requiring a stormwater management permit shall be subject to the Town of Andover Stormwater Management and Erosion Control Regulations promulgated under Section 5 of this bylaw in addition to the procedures as set forth below.

A. Application.

- (1) An application package shall be filed with the Planning Board and other departments as specified in the regulations.
- (2) The Planning Board shall review the application for completeness and compliance with this bylaw and its regulations.

B. Public meetings.

- (1) The Planning Board shall hold a public meeting on all applications for stormwater management permits for the purpose of reviewing the application and accepting public input.
- (2) Notice of the public meeting shall be given by posting and by first-class mailings to abutters and abutters to abutters within 300 feet of the property line of the project site at least seven days prior to the meeting.
- (3) The Board shall make the application available for inspection by the

³ Editor's Note: See Art. XIII, Subdivision rules and Regulations.

public during business hours at the Planning Division.

C. Actions. The Planning Board may:

- (1) Approve the application and issue a permit if it finds that the proposed plan meets the objectives and requirements of this bylaw and its regulations;
- (2) Approve the application and issue a permit with conditions, modifications, or restrictions that the Board determines meet the objectives and requirements of this bylaw and its regulations;
- (3) Disapprove the application and deny a permit if the Planning Board finds that the applicant has submitted insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume; and
- (4) Disapprove the application and deny a permit if it finds that the proposed plan fails to meet the objectives and requirements of this bylaw or its regulations.

D. Time for action by the Board.

- (1) Within 45 days of the filing of an application for a stormwater management permit, the Planning Board or its designated agent shall:
 - i. Evaluate the application to ensure that it is complete prior to distribution;
 - ii. Distribute the complete application to boards and departments for technical review as specified in the regulations; and
 - iii. Arrange agenda time for a public meeting before the Planning Board.
- (2) Within 60 days of the filing of the application, an interdepartmental review shall be held.
 - i. Following the Interdepartmental review but prior to the Planning Board public meeting, the Town Engineer shall provide a written recommendation for action on the application. Such recommendation shall itemize all instances where the applicant has failed to meet the specifications and standards of the latest edition of the Massachusetts Stormwater Management Policy Handbook or of the design criteria as described in the Town of Andover's Subdivision Rules and Regulations⁴ or of the Town of Andover Stormwater Management and Erosion Control Regulations.

- (3) Within 90 days of the filing of an application for a stormwater

⁴ Editor's Note: See Art. XIII, Subdivision Rules and Regulations.

management permit, the Planning Board shall hold a public meeting.

- (4) Once begun, the public meeting may not continue for more than 60 days unless such time is extended by written agreement between the applicant and the Board to a date certain announced at the meeting.
- (5) The Planning Board shall take final action within 21 days of the close of the public meeting discussion.

E. Failure to act.

- (1) Upon certification by the Town Clerk that the allowed time has passed without the Planning Board's action, failure to take such action shall be deemed to be approval of said application and a stormwater management permit shall be issued.

F. Appeals of action by the Planning Board.

- (1) A written decision of the Planning Board shall be final when it is executed by the Planning Board or its Chair or Acting Chair and filed in the Town Clerk's office. Further relief of a decision by the Planning Board made under this bylaw shall be in the Superior Court or Land Court in accordance with the applicable law. The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.
- (2) No work shall commence until the applicable appeal period has passed with no appeal or, if an appeal has been filed the appeal has been finally resolved by adjudication or otherwise.

G. Permit duration.

- (1) All activity permitted by this bylaw must be completed within one year of permit issuance. Extensions of time can be granted by the Planning Board upon formal written request by the applicant. If one year passes without an extension being granted, the Board may revoke the permit.

H. Certificate of completion.

- (1) The Planning Board will issue a certificate of completion upon receipt and approval of final reports and documentation as specified in the regulations.

I. Public record.

- (1) The following documents shall be recorded at the Essex Registry of Deeds at the applicant's expense and proof of recording provided to the Planning Division:
 - i. The stormwater management permit.
 - ii. The approved operation and maintenance plan.

iii. The certificate of completion.

§ 7. Persons aggrieved.

Any person aggrieved by a decision or action of a designated agent appointed by the Planning Board under § 5A, including but not limited to matters regarding completeness of application, inspections, and compliance with technical design criteria, may, within 30 days of such decision or action, request a public meeting with the Planning Board. In such cases, following the decision of the Planning Board, the provisions of § 6F(1) shall apply.

§ 8. Consultants.

At the applicant's expense, the Planning Board may retain independent consultants as needed to advise the Board on any and all aspects of a specific project. Independent consultants may include but are not limited to registered professional engineers and environmental site monitors.

§ 9. Fees.

The Planning Board shall establish fees, subject to approval of the Select Board, to cover expenses connected with application review, mailings and monitoring permit compliance. The fees shall be sufficient to cover direct and indirect costs to the Town of processing and reviewing the application. Provided that a revolving fund for such purpose is established by the Town in accordance with the provisions of MGL c. 44, § 53E 1/2, the Planning Board is also authorized to collect fees from the applicant in amounts sufficient to pay a registered professional engineer and such other professional consultants as the Planning Board requires to advise the Planning Board on any and all aspects of the project. The fees for such professional engineers and consultants shall be paid to the Town for deposit into the revolving fund.

§ 10. Security.

Before the start of land disturbance activity, the Planning Board may require the permittee to post acceptable security, to insure that the work will be completed in accordance with the permit. The form of the security shall be approved by the Planning Board and shall be in an amount deemed sufficient by the Planning Board. If the project is phased, the Planning Board may release part of the security as each phase is completed in compliance with the permit but may not be fully released until the Planning Board has issued a certificate of completion.

§ 11. Enforcement.

A. The Planning Board or its designated agent shall enforce this bylaw, its regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

- B. Entry. The Planning Board or its agents shall have the authority, with prior approval from the property owner or pursuant to court process, to enter upon privately owned land for the purpose of performing their duties under this bylaw.
- C. Orders. The Planning Board or its designated agent may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:
- (1) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw or its regulations;
 - (2) Maintenance, installation or performance of additional erosion and sediment control measures;
 - (3) Monitoring, analyses, and reporting;
 - (4) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity;
 - (5) Compliance with the operation and maintenance plan.
- D. If the enforcing person determines that abatement or remediation of erosion and sedimentation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.
- E. Criminal penalty. Any person who violates any provision of this bylaw, regulation, order or permit issued thereunder, shall be punished by a fine in an amount of \$300. Each day or part thereunder that such violation occurs or continues shall constitute a separate offense.
- F. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Planning Board may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, which has been adopted by the Town, in which case the Planning Board or designated agent shall be the enforcing person. The penalty for each violation shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

§ 12. Severability.

If any provision, paragraph, sentence, or clause of this bylaw shall be held invalid for any reason, all other provisions shall continue in full force and effect.

And further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws or take any other action related thereto.

On request of the Planning Board

ARTICLE 37	TOWN CHARTER REMOVAL OF RESIDENCY REQUIREMENT FOR TOWN MANAGER
-------------------	---

To see if the Town will vote to petition the Legislature to pass a Special Act to amend the Andover Town Charter by deleting the following sentence from Section 6:

“He need not be a resident of the town when appointed, but shall be a resident of the town during his term of office”,

provided that the legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition or take any other action related thereto.

On request of the Select Board

ARTICLE 38	ZONING BYLAW AMENDMENT - USE VARIANCES
-------------------	---

To see if the Town will vote to amend Article VIII Section 3.1 titled “General” and Section 9.2.2.2 titled “Variances” of the Andover Zoning Bylaws by deleting the language stricken from the bylaw as shown below and adding the language in bold italic as shown as follows:

Section 3.1 General:

No land shall be used and no structure shall be erected or used except as set forth in the following Table of Use Regulations, including the notes to the Table, or as otherwise set forth herein, or as exempted by the General Laws, ~~or by variance of the Board of Appeals, as provided in said Chapter 40A of the General Laws and in Section 9.2.2.2 of this bylaw.~~ Any building or use of premises not herein specifically permitted is hereby prohibited.

Section 9.2.2.2 Variances: To hear and decide appeals or petitions for variances from the terms of this bylaw, ~~including variances for uses,~~ with respect to particular land or structures, owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, where a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law, as set forth in G.L.c.40A,s.10. ***No variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located.***

On petition of Andrew E. Rouse and others

ARTICLE 39	TAKING BY EMINENT DOMAIN OF HACIENDA WAY
-------------------	---

To see if the Town will vote to authorize the Select Board of Andover to acquire by eminent domain, gift, purchase, or otherwise, any fee, easement or other interest in the land shown as Hacienda Way and all related easements, including but not limited to easements shown on Lots 18, 18A, 19 and 19A, all as shown on a plan entitled “Subdivision & Acceptance Plan Pleasant

Street Estates, Andover, Mass.” dated April, 1973, prepared by Charles E. Cyr, and recorded with Essex North District Registry of Deeds as Plan No. 7035 and on file in the Office of the Town Clerk, and as constructed, and to award no damages or compensation for said takings or payment for said acquisitions, and to appropriate and borrow or transfer from available funds or any combination thereof a sum of \$120,000 for required engineering services, legal services, repairs and improvements to Hacienda Way and expenses incidental thereto, or take any other action related thereto.

On petition of Courtney Famiglietti and others

ARTICLE 40	SALT STORAGE AT COMMERCIAL AND INDUSTRIAL PROPERTIES
-------------------	---

To see if the Town will vote to add the following to Article XII Miscellaneous Bylaws of the General Bylaws:

§52. “Regulations governing salt storage at commercial and industrial properties.

- (1) Salt includes solids such as sodium chloride (NaCl), potassium chloride (KCl), calcium chloride (CaCl₂), and magnesium chloride (MgCl₂). It also includes mixtures of the same substances with abrasives such as sand, cinder, slag, etc.
- (2) Salt shall be stored on an impermeable surface.
- (3) Salt shall be covered at all times to prevent dispersion by runoff and to control wind dispersal.
- (4) When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles to protect against precipitation and surface water runoff. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events.
- (5) Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs shall be completed prior to the next winter season.
- (6) Storage areas shall be graded to direct surface drainage away from the storage area. In no case shall the surface drainage be allowed to flow through the base of the storage piles.”

and further, that non-substantive changes to the numbering of this article be permitted in order that it be in compliance with the numbering format of the Andover Code of Bylaws, or take any other action related thereto.

On request of the Director of Public Works

ARTICLE 41	TAKING BY EMINENT DOMAIN OF DISCONTINUED PORTION OF LEWIS STREET
-------------------	---

To see if the Town will vote to authorize the Select Board to take by eminent domain the property shown as “Portion of Lewis Street to be Discontinued 4,000 S.F. +/-” on Plan of Land entitled “Discontinuance Plan, Portion of Lewis Street, Andover, Mass, Prepared for Town of Andover, Date: January 18, 2022, Scale 1” = 40’, “ prepared by Andover Consultants, Inc, which Plan is on file with the Office of the Town Clerk and which is recorded with the Essex North District Registry of Deeds as Plan No. 18312 for the purpose of resolving any matters regarding the title

and boundaries of the property to be taken, and to appropriate a sum of money for the payment of damages for said taking, or take any other action related thereto.

On request of the Town Manager

Hereof fail not, and make return of this Warrant with your doings thereon, at the time and place of said meeting.

Given our hands this 27th day of March 2023.



Alexander J. Vispoli, Chair)
)


Laura M. Gregory, Vice Chair)
)


Melissa M. Danisch, Member, Select Board)
)


Ann W. Gilbert, Member, Select Board)
)


Christian Huntress, Member, Select Board)

SELECT BOARD
OF
ANDOVER

A true copy

A T T E S T

Ronald Bertheim, Constable

Andover, Massachusetts, _____, 2023

Pursuant to the foregoing Warrant, I, the subscriber, one of the Constables of the Town of Andover, have notified the Inhabitants of said Town to meet at the time and place and for the purposes stated in said Warrant, by posting a true and attested copy of the same on the Town Hall, on each school house, and in no less than five other public places where bills and notices are usually posted and by publication in the *Eagle Tribune*. Said warrants have been posted and published fourteen days.

Ronald Bertheim, Constable